

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

In re: :

Stephen Rudolph : Case No.: 21-53083
(xxx-xx-1150) :

Debtor. : Chapter 13
: Judge John E. Hoffman, Jr.
:
:

MOTION OF CREDITOR, AMERICAN HOMES 4 RENT PROPERTIES SEVEN LLC,
FOR AN ORDER GRANTING RELIEF FROM STAY REGARDING THE LEASED
PREMISES KNOWN AS
6919 ONYXBLUFF LANE, BLACKLICK, OHIO 43004

Pursuant to 11 U.S.C. Section 362 and Local Bankruptcy Rule 4001, Movant, American Homes 4 Rent Properties Seven LLC, a Delaware limited liability company, a.k.a. and d.b.a American Homes 4 Rent, hereby moves that this Court's automatic stay be modified, annulled, or terminated to permit the Movant to commence and complete a forcible entry and detainer action as to the leased premises known as 6919 Onyxbluff Lane, Blacklick, Ohio 43004 ("the Property"), and that it have other relief as the Court may determine to be just, as the Movant has cause for relief in that:

1. Movant does not have, and has not been provided with adequate protection of its interest in the leased premises which is described in the attached lease (see **Exhibit A** – Lease Agreement), as Debtor is a tenant in default of the lease;

2. Debtor has no equity in the aforementioned leased real estate as it is/was a leased premises that is not necessary to effective reorganization; and
3. The Movant has suffered losses and will continue to suffer losses and damages if the stay is not modified.

Respectfully Submitted,

/s/ Matthew J. Roda _____

Matthew J. Roda (0061985)
MAGNUSON & BARONE
570 Polaris Parkway, #140
Westerville, Ohio 43082
TEL: 614-901-5700
FAX: 614-901-5800
E-mail: mroda@talontitle.net
Attorney for Creditor
American Homes 4 Rent Properties
Seven LLC (a.k.a. American
Homes 4 Rent)

MEMORANDUM IN SUPPORT OF MOTION

Relief from Stay Pursuant to 11 U.S.C. §362(d)

The Movant is the owner, titleholder and lessor of the real property known as 6919 Onyxbluff Lane, Blacklick, Ohio 43004 (“the Property”). A copy of the deed by which Movant acquired title to the Property is attached hereto as **Exhibit B**. Debtor, Stephen Rudolph, acquired a leasehold interest in the real estate pursuant to a lease, a copy of which is attached hereto as **Exhibit A**. Thereafter, Debtor ceased making payments as required under the terms of the lease. Accordingly, Movant seeks to enforce its rights pursuant to the lease agreement,

which enforcement includes, but is not limited to, the commencement and completion of a forfeiture and detainer action in the Municipal Court of Franklin County, Ohio.

The Movant has not been receiving payments and the Debtor is in default for all payments due from and after the onset of the Lease, including, but not limited to, ongoing rent and utility expenses, to the present, for a total delinquency of \$13,316.20. Movant has attached hereto Form 4001-1(a) in support of the aforementioned claim and to comply with LBR 4001-1 (a)(1).

Movant does not have and has not been offered adequate protection of its interest in the real estate described in **Exhibits A & B**.

The Debtor has no equity in the real estate or leasehold interest described in **Exhibit A**.

If the Movant is not granted relief from the Court's stay to allow the Movant to commence eviction proceedings, Movant will suffer irreparable injury, loss and damage, while Debtor will have been simultaneously residing in the residence without payment.

If Movant is not granted relief from the Stay, the actual effect will be that the lease will be modified, in violation of 11 U.S.C. §1322(b) so as to allow Debtor to stay in the Property at the cost of Movant. Movant will be forced to accommodate a non-paying tenant, while still being obligated for normal property ownership costs (ie. mortgage, insurance, real estate taxes, property preservation costs, etc.).

For all the foregoing reasons, Movant respectfully requests that its motion for relief from stay be granted.

Respectfully Submitted,

/s/ Matthew J. Roda

Matthew J. Roda (0061985)
MAGNUSON & BARONE
Attorney for Movant
American Homes 4 Rent Properties
Seven LLC,
a Delaware limited liability company

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing Motion for Relief from Stay Regarding the Leased Premises Known as 6919 Onyxbluff Lane, Blacklick, Ohio 43004, was served on the date noted below on the parties whose names and addresses appear below, via the Court's ECF system or regular U.S. Mail, as noted:

Those served electronically through the Court's ECF system:

- Faye D. English, Chapter 13 Trustee
- The Office of the U.S. Trustee

Those served via ordinary mail:

➤ Stephen Rudolph
6919 Onyxbluff Lane
Blacklick, Ohio 43004
Debtor/Attorney Pro Se

Dated: 9-28-2021

/s/ Matthew J. Roda

Matthew J. Roda (0061985)
Attorney for Creditor
American Homes 4 Rent Properties
Seven, LLC